

Remarks

This is in response to the Office Action mailed on July 24, 2006. Claim 14 is cancelled without prejudice or disclaimer. Claim 31 is amended. Claims 1-13 and 15-31 remain pending. Consideration and allowance are requested for the following reasons.

The Office Action requires restriction under 35 U.S.C. 121 and 372 on the grounds that the claims encompass multiple inventions and lack unity. The Action asserts that the common technical feature in all groups is allegedly taught by U.S. Patent No. 5,650,317 (see Office Action, page 7). Applicants respectfully disagree. The stem cells described by U.S. 5,650,317 are markedly different from the claimed isolated cell that there is no resemblance between them. Applicants also disagree with the examiner's characterization in the action of the subject matter of the restriction groups.

The Action requires election for prosecution of 1 of 9 groups of claims.

Group I: Claims 1-18
Group II: Claim 19
Group III: Claims 20-21
Group IV: Claim 22
Group V: Claims 23-24
Group VI: Claims 25 and 28
Group VII: Claim 26
Group VIII: Claims 27, and 29-30
Group IX: Claim 31

In response to the restriction requirement, Applicants elect **Group I drawn to claims 1-18.**

The Action required further restriction if certain claims fall within the elected group. The remaining elections under 121 are not made because they fall outside of the elected Group I, claims 1-18.

Species Elections

The Examiner has further required election of species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. First the Examiner is requiring an election of species based upon claim 13 of one of the following:

- (a) a rodent cell;
- (b) a porcine cell;
- (c) a bovine cell;
- (d) a caprine cell;
- (e) an equine cell;
- (f) a canine cell;
- (g) an ovine cell;
- (h) a feline cell; or
- (i) a primate cell.

The specie of a **primate cell** is elected for search. Applicants reserve the right to pursue consideration of additional species when the elected specie is found allowable. The species election is generic to elected claims 1-2, 4-13, and 17-18.

The election of a specie based on claim 14 is obviated by cancellation of this claim. Election of receptor based upon claim 24 is also obviated by non-election of this group.

Favorable consideration in the form of a Notice of Allowance is requested. Please contact the undersigned attorney with any questions regarding this application.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

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/Anne M. Murphy/
By: Anne M. Murphy
Reg. No. 54,327